

Memorandum



To: Advisory Plan Commission
Cc: Gregory J. Anderson, AICP
From: Kevin M. Todd, AICP
Date: 2/14/2008
Re: **0712-REZ-06**; Indiana Members Credit Union

At the request of the APC members present at the February 13, 2008 Pre-APC meeting, the following amendments to the IMCU packet have been made for your consideration at the February 19, 2008 APC meeting:

1. The Written Commitments (Exhibit 2, Section 3, F) have been amended to include the following language:
"That the Declaration of Protective Covenants and Restrictions, recorded with the Hamilton County Recorder's Office on August 30, 2006, are hereby incorporated."
2. The Permitted Uses (Exhibit 2, Exhibit C) have been amended to remove the following uses from the list:
 - a. Advertising and business signs, fabrication
 - b. Assembly Halls
 - c. Auction rooms
 - d. Billiard Parlor
 - e. Bowling Alley
 - f. Car Wash (Indoor)
 - g. Caskets and casket supplies (mortuary)
 - h. Cemetery monument sales
 - i. Commercial parking lots and structures, public
 - j. Embalming school

- k. Frozen food stores and lockers
 - l. Fruit Stands, Permanent
 - m. Fruit Stands, Temporary
 - n. Garden and lawn materials and supply stores
 - o. General construction company
 - p. Heliports
 - q. Home remodeling company
 - r. Home remodeling supplies and materials
 - s. Insurance companies
 - t. Newspaper publishing
 - u. Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
 - v. Nurseries – Plants, Retail
 - w. Restaurants with Live Entertainment
 - x. Roller & Ice Skating Rinks
 - y. Tennis & Swim Clubs
 - z. Tennis Facilities
 - aa. Theaters – Indoor
 - bb. Tool and light equipment rental
3. The following modifications to specific uses in the permitted uses table (Exhibit 2, Exhibit C) have been made:
- a. Auto rental (Maximum of six vehicles on-site)
 - b. Motorcycle Sales, Service, Repair ~~and Outdoor Display~~

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Indiana Members Credit Union (the "Developer") or its Assigns, makes the following commitments to the Westfield City Council and Westfield-Washington Plan Commission (collectively, the "City") regarding the use and development of the following described real estate located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

See attached Exhibit "A" (hereinafter, the "Real Estate").

Section 2. Docket No.: 0712-REZ-06

Section 3. Statement of Commitments:

A. Building Elevations and Facades.

- (1) All buildings constructed on the Real Estate shall include a minimum of eight (8) exterior corners per 6,000 square feet of gross floor area;
- (2) All buildings constructed on the Real Estate shall include similar roof lines and pitches as that of the Indiana Members Credit Union structure.

B. Pedestrian and Bicycle Facilities.

- (1) In order to provide for construction of the Midland Trace Trail (the "Trail"), the Developer shall take the following actions:
 - i. Dedicate to the City the portion of the Real Estate formerly part of the Central Indiana Railroad right-of-way (the "Trail Property");
 - ii. Provide the City with a certified survey of the Trail Property;
 - iii. Install (the "Installation Option"), or cause the installation of, the Trail on the Trail Property to the City's specifications and standards, as amended, OR pay (the "Payment Option") \$75 per linear foot to the City for the cost (the "Construction Costs") of constructing the portion of the Trail to be built on the Trail Property;
 - iv. If the Installation Option is selected, dedication of the Trail Property shall occur prior to approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165) and the Trail shall be installed in coordination with the City's construction schedule for the Trail;
 - v. If the Payment Option is selected, payment of the Construction Costs and dedication of the Trail Property shall occur prior to the approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165).

C. Site Amenities and Improvements.

- (1) Crosswalks within paved parking areas and abutting internal drives shall be articulated by color or texture change;

- (2) One (1) bicycle parking space for 2,500 square feet of commercial space (office or retail) shall be provided on the Real Estate;
 - i. Bicycle parking shall be provided within six hundred (600) feet from the main entrance of the building served;
 - ii. Bicycle parking spaces shall include a fixed and permanent structure, frame, rack, or other permanent facility for locking and securing parked bicycles.

D. Site Access and Circulation.

- (1) An access easement traversing the property east to west shall be located south of the northern outlot, as depicted on the attached concept plan (Exhibit "B");
- (2) Such easement shall be recorded with the Hamilton County Recorder's Office prior to receiving a Certificate of Occupancy.

E. Permitted Uses.

- (1) See attached Exhibit "C".

F. Covenants and Restrictions.

- (1) That the Declaration of Protective Covenants and Restrictions, recorded with the Hamilton County Recorder's Office on August 30, 2006, are hereby incorporated (Exhibit "D").

Section 4. Binding Effect

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only by a majority decision of the Westfield City Council.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of an ordinance by the City Council of Westfield, Indiana assigning the requested GB zoning district classification to the Real Estate identified in Docket No. 0712-REZ-06.

Section 6. Recording

The undersigned hereby authorizes the City to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These commitments may be enforced by the City Council of Westfield, Indiana.

IN WITNESS WHEREOF, Indiana Members Credit Union, has caused this commitment to be executed as of the _____ day of _____, 2008.

By: _____,
Indiana Members Credit Union

Zoning Districts All Inclusive Land Usage Chart	GB		
	Permitted Uses	Special Exceptions	Permitted Home Occupations
Abattoir (slaughterhouse)			
Accessory buildings and uses customarily incidental to any of the permitted uses	•		
Accessory Buildings as related to Agriculture - Non-Subdivision			
Accessory Buildings as related to Single Family dwellings			
Accessory Buildings related AG or Large Lot SFR			
Accessory Structures as related to the Single Family (SF-A) and owned by the Home Owners Association			
Advertising and business signs, fabrication			
Agriculture			
Airports & Landing Fields			
Airports and Landing Fields			
Amphitheaters			
Amusement parks			
Antiques	•		
Any outdoor food and beverage business			
Apartment-Hotels, Motels, Hotels			
Art School	•		
Art Studio	•		
Artisan school	•		
Assembly Halls			
Assembly Operations of Pre- Manufactured Parts, Components			
Assembly, Repair & Manufacture of Light Component Parts			
Assisted living facilities			
Atomic power plants			
Auction rooms			
Auditoriums			
Auto parts sales	•		
Auto race tracks and speedways			
Auto rental (Maximum of six vehicles on-site)	•		
Auto repair garage			
Auto rustproofing			
Auto sales, new or used, service and repair			
Auto storage			
Auto wrecking or shredding			
Bakeries			
Banks and Savings & Loan Assn.	•		
Barber and Beauty Schools	•		
Barber and Beauty Shops	•		
Beauty Shop - One Chair			
Bicycle Sales, Rental & Service	•		
Billiard Parlor			
Blueprinting, photocopying job printing	•		
Boarding & Lodging Houses			
Boat and Trailer Sales & Service		•	
Book stores	•		
Book stores, adult			
Bottling of Alcoholic and Non-Alcoholic Beverages			
Bowling Alley			
Bulk Storage, Petroleum Prod.			
Bus stations			
Business and Clerical Schools	•		
Business conducted entirely by mail			
Camera Stores	•		
Canning, Bottling, Processing & Packaging of Food			

Zoning Districts All Inclusive Land Usage Chart	GB		
	Permitted Uses	Special Exceptions	Permitted Home Occupations
Land Use			
Car Wash (Indoor)			
Carry out food and beverage business (excluding drive-in or drive-through services)			
Caskets and casket supplies (mortuary)			
Cemetery monument sales			
Cemetery monuments and tombstones manufacture (including engraving)			
Cemeteries			
Cemeteries - Pet			
Charitable Donation Pick-Up Station			
Charitable Institutions	•		
Child Care Home - in accordance with IC 36-7-4-1108			
China and Glassware Shops	•		
Christmas Tree Sales		•	
Churches	•		
Civic Centers	•		
Civic Clubs	•		
Cluster homes			
Coal yards			
Coffee Roasting			
Coin Shops	•		
Coke manufacturing			
Commercial compositing facilities			
Commercial parking lots and structures, public			
Commissary, food catering service	•		
Concrete contractors - heavy commercial			
Concrete Mixing - Permanent			
Consumer Service Offices	•		
Convents, Monasteries, Theological Schools, Rectories and Parish Houses			
Crating and packaging service			
Credit Union Offices	•		
Creosote manufacturing and treatment			
Custard Stands	•		
Dancing Schools	•		
Data Processing	•		
Day Care Centers		•	
Day care facilities		•	
Delicatessen	•		
Dentists	•		
Department Stores - Over 10,000 Sq. Ft.	•		
Department Stores - Under 10,000 Sq. Ft.	•		
Discount Stores - Over 10,000 Sq. Ft.	•		
Discount Stores - Under 10,000 Sq. Ft.	•		
Distributors - inside storage			
Distributors - Outside Storage			
Dressmaking			
Drive-in food and beverages business	•		
Drug Stores	•		
Dry Cleaning & Laundry Pickup	•		
Educational Institutions Public and Private	•		
Electrical contractors - heavy commercial			
Electrical supply store	•		
Embalming school			
Employment Agencies	•		
Engineering and Research Labs			
Exhibition Halls			
Explosive, matches and fireworks manufacturing			

Zoning Districts All Inclusive Land Usage Chart	GB		
	Permitted Uses	Special Exceptions	Permitted Home Occupations
Exterminators	•		
Fabric Shops	•		
Farm implement sales and service			
Farms and Farm Bldgs for Livestock and Crops			
Fat rendering and fertilizer manufacturing			
Feed stores			
Financial institutions	•		
Fire Stations	•		
Floor Coverings	•		
Florists	•		
Foundries			
Four-unit single family attached dwellings			
Fraternities and Lodges		•	
Frozen food stores and lockers			
Fruit Stands, Permanent			
Fruit stands, temporary			
Furniture Stores	•		
Furrier Shops	•		
Galleries	•		
Garden and lawn materials and supply stores			
Gasoline service stations			
General business and professional offices	•		
General construction company			
Gift Shops	•		
Glass fabrication and installation			
Glue manufacturing			
Golf Courses			
Golf Courses, Country Clubs			
Government offices - universities	•		
Granaries, Grain Processing, Starch Manufacturing			
Greenhouses, Retail			
Grocery Stores	•		
Hardware Stores	•		
Hazardous waste facility			
Health, Fitness, and Exercise Center	•		
Heliports			
Hobby Shops	•		
Home Garage Sales not to exceed 7 days per year			
Home remodeling company			
Home remodeling supplies and materials			
Homebound Schools for 12 or less children inclusive of residents			
Hospices			
Hospitals (minor), medical and dental clinics and labs	•		
Hospitals, Major			
Ice and coal stations			
Industrial laundry and dry cleaning plants			
Industrial schools & training facilities			
Insurance companies			
Insurance Offices	•		
Interior Decorating	•		
Jewelry Stores	•		
Kennels			
Kennels - Including Outdoor Runs			
Lake Developments - Recreational			
Language Schools	•		

Zoning Districts All Inclusive Land Usage Chart	GB		
	Permitted Uses	Special Exceptions	Permitted Home Occupations
Land Use			
Large Animal Hospitals			
Laundromats and Self-Service Dry Cleaning	•		
Lawyers	•		
Leather curing and tanning			
Leather products manufactured from finished leather			
Libraries	•		
Liquor Stores			
Liquor stores and taverns			
Livestock Auction Sale Barns			
Loan Offices	•		
Locksmith shops	•		
Luggage Stores	•		
Lumber yards - including millwork			
Machine, Welding, Tool and Die Shops			
Mail Order Store	•		
Major Appliance Store	•		
Malt products, brewery, distiller of liquor and spirits			
Manufactured home parks (in accordance with provision of WC 16.04.090)			
Manufacturing of cement, lime and gypsum			
Manufacturing of chemicals and gasses			
Manufacturing of detergents and soaps			
Manufacturing representatives offices			
Material recycling facilities (MRFs)			
Mattress Mfg. & Upholstering			
Medical or veterinarian offices	•		
Mfg. & Assembly of Communication Equipment			
Mfg. & Assembly of Major Household Appliances			
Mfg. & Assembly of Marine Equipment			
Mfg. & Assembly of Office Equipment			
Mfg. of Boiler Tanks			
Mfg. of Cabinets			
Mfg. of Cans and Containers			
Mfg. of chemicals and gases			
Mfg. of Cloth Products from Finished Cloth			
Mfg. of explosives, matches and fireworks			
Mfg. of Furniture			
Mfg. of Glass & Glass Products			
Mfg. of glue			
Mfg. of Jewelry, with Retail	•		
Mfg. of Jewelry, without Retail			
Mfg. of Musical Instruments			
Mfg. of Non-Alcoholic Beverages			
Mfg. of Office Machinery			
Mfg. of Optical Goods			
Mfg. of Paper Boxes and Paper Products From Finished Paper			
Mfg. of Portable Household Appliances, Electric Hand Tools, etc.			
Mfg. of Railroad Equipment, Repair and Service			
Mfg. of Recording Instruments, Phonograph Records, etc.			
Mfg. Tools, Implements, Machinery			
Milk Processing, Bottling & Mfg. of Milk Products			
Millinery	•		
Miniature Golf, Archery, Driving Range, Trampoline Centers			
Moble home parks - in accordance with the provisions of WC 16.04.090			
Moble home sales			
Model display homes and garages			

Zoning Districts All Inclusive Land Usage Chart	GB		
	Permitted Uses	Special Exceptions	Permitted Home Occupations
Mortuaries			
Motor Truck Terminals			
Motorcycle Sales, Service and Repair	•		
Multi-family housing			
Multi-family housing (2 units or more with MF1 standards)			
Multi-family housing (3 units or more with MF1 standards)			
Municipal or government buildings	•		
Museums	•		
Music Schools	•		
Music, Records, Instruments	•		
Newspaper distribution station	•		
Newspaper publishing			
Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales			
Nurseries - Plants, Retail			
Nurseries, Greenhouses, Truck Gardens, Farms or related products produced and sold on-site			
Nursing Homes			
Office building - general purpose	•		
Office/warehouse buildings			
Oil processing, refining and manufacturing			
Open hearths and blast furnaces			
Optometrists	•		
Outdoor Advertising Signs, Mfg. and Construction			
Outdoor theatres			
Paint and Wallpaper Stores	•		
Painting and decorating contractors - heavy commercial			
Personal Motor Vehicle Sales not to exceed 2 / year			
Pet Grooming	•		
Pet Obedience Schools	•		
Pet Shops	•		
Pharmaceutical, Medicine, & Cosmetic Mfg.			
Philanthropic Institutions			
Photography School	•		
Photography Studio	•		
Photography Supplies	•		
Physicians	•		
Picture Framing	•		
Plumbing contractors - heavy commercial			
Plumbing showrooms and shop	•		
Police stations	•		
Post offices	•		
Printing and Photocopying, Small Jobs	•		
Private Clubs, Lodges			
Production of Concrete Blocks, Shapes, Cinder Blocks, etc.			
Production of emulsified asphalt and preparation of asphaltic concrete paving materials			
Professional and technical schools	•		
Professional Office of Clergyman, lawyer, architect, accountant, or counselor			
Public and Private Camps			
Public or Private Schools	•		
Public or Private Schools with Dormitories			
Public Parks			
Public Parks			
Radio and TV service	•		
Radio, Facsimile, TV, Micro-Wave Towers			
Railroad and other mass transit right of way and track			
Raising Animals for biological purposes			

Zoning Districts All Inclusive Land Usage Chart	GB		
	Permitted Uses	Special Exceptions	Permitted Home Occupations
Raising animals for furs and pets			
Raising Animals for furs or pets			
Raising small			
Real estate offices	•		
Recycling collector system			
Reduction plants			
Repairing, Servicing or Refurbishing equipment or parts, excluding motor vehicles			
Residential Facility for the Mentally Ill in accordance with IC 12-28-4-7			
Restaurants - drive-in and carry out food and beverage stores			
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	•		
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	•		
Restaurants With Live Entertainment			
Riding Academies			
Riding Stables			
Rock crushing, grinding or milling			
Roller & Ice Skating Rinks			
Roofing contractors - heavy commercial			
Root Beer Stands	•		
Salt storage outside			
Sand, gravel, or aggregate processing			
Sanitariums			
Schools - Public or Private - without dormitory accommodations			
Schools and Kindergartens	•		
Scrap metal, junk or salvage storage			
Secondary Food Processing and Packaging & (Initially Processed off the Premises)			
Self service food and beverage business			
Self-Service Car Wash			
Semi-Automatic Car Wash			
Septic system contractors			
Sewing Machine Sales & Service	•		
Sheet metal contractors - heavy commercial			
Shoe Repair	•		
Shoe Stores	•		
Signs as permitted by Ordinance			
Single Family Dwellings			
Single Family Dwellings on Large Lots			
Single Family with minimum SF4 standards			
Slaughter house			
Slaughtering and allied food processing			
Sporting Goods	•		
Stables (3 acres or more in size)			
Stamping & Fabricating Metal Shops			
Stationery Stores	•		
Stockyards - for shipping, holding and sale of animals			
Storage and transfer (household goods)			
Storm doors, windows, awnings, siding contractors - manufacture			
Structural Steel Fabricating			
Tar, tar paper products - manufacture and processing			
Taverns		•	
Taxidermist			
Taylor or Seamstress	•		
Teaching - Such as musical instruments or dancing			
Temporary buildings for construction purposes			
Tennis & Swim Clubs			
Tennis and swimming clubs			

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use		Permitted Uses	Special Exceptions	Permitted Home Occupations
Tennis Facilities				
Testing laboratories				
Theaters - Indoor				
Thermal, electric, steam and atomic power plants				
Three-unit single family attached dwellings				
Tire and auto service center		•		
Tire recapping				
Tobacco Shops		•		
Tool and light equipment rental				
Toy Stores		•		
Trailer Rentals				
Travel Bureaus		•		
Travel Trailer Sales & Rentals				
Truck cleaning, service, rental and repair				
Truck companies				
Two-unit single family attached dwellings				
Typewriter Sales, Rental and Service		•		
Typing or other office services				
Upholsters		•		
Utilities - Not Regulated by Indiana Utility Regulatory Commission				
Utilities (as regulated by IURCor Westfield)				
Utilities-Regulated by Indiana Utility Regulatory Commission				
Veterinarians - Small Animals, No Outdoor Runs		•		
Warehouse - inside storage				
Warehousing & Distribution Operations (Outside Storage)				
Wearing Apparel & Accessory Shops				
Well Drilling				
Wholesalers - inside storage				
Wireless communication service facilities (including cell towers)				
Zoos				
			119	
			62%	